Remarks/Arguments begin on page 19 of this paper.

REMARKS

Claims 1-43 are pending in the present application. Claims 1, 4, 8, 12, 18-20, 25, 27-30, 32 and 33 have been amended. Claims 40-43 have been presented herewith.

Priority Under 35 U.S.C. 119

Applicants note the Examiner's acknowledgment of the Claim for Priority under 35 U.S.C. 119, and receipt of the certified copy of the priority document.

Drawings

The drawings have been objected to in view of the Notice of Draftsperson's Patent Drawing Review Form PTO-948, received along with the current Office Action dated April 7, 2004. Enclosed are six (6) Drawing Replacement Sheets which have been prepared responsive to the Notice of Draftsperson's Patent Drawing Review Form. **The Examiner is respectfully requested to acknowledge receipt and acceptance of the Drawing Replacement Sheets.**

Information Disclosure Statement

The Examiner is respectfully requested to acknowledge receipt of the Information Disclosure Statement filed concurrently herewith, and to confirm that the references

cited therein have been considered and will be cited of record.

Claim Objections

Claims 1, 4 and 25 have been objected to for the reasons listed on page 2 of the current Office Action. The claims have been correspondingly corrected. The Examiner is therefore respectfully requested to withdraw this objection to the claims.

Claim Rejections-35 U.S.C. 112

Claims 4 and 30 have been rejected under 35 U.S.C. 112, second paragraph, for the reasons listed on page 2 of the current Office Action. Claims 4 and 30 have been amended to be in better compliance with 35 U.S.C. 112, second paragraph. The Examiner is therefore respectfully requested to withdraw this rejection.

Claim Rejections-35 U.S.C. 102

Claims 1, 3, 4, 10-13, 15, 16, 18-22, 24, 26, 27, 29, 30, 33-36, 38 and 39 have been rejected under 35 U.S.C. 102(b) as being anticipated by the Saito reference (U.S. Patent No. 5,754,104). This rejection is respectfully traversed for the following reasons.

The antenna device of claim 1 includes in combination a first receiver "which receives a first measured operation parameter indicative of quality of transmission of radio frequency waves by said antenna structure"; a second receiver "which receives a second measured operation parameter indicative of quality of reception of radio

frequency waves by said antenna structure"; and a control device "which controls said switching device, and thus selective switching of said antenna structure between said plurality of antenna configuration states, in accordance with said received first and second measured operation parameters, so as to improve quality of at least one of transmission and reception of the antenna structure". Applicant respectfully submits that the Saito reference as relied upon by the Examiner does not disclose these features.

The Examiner has interpreted 0-system reception section 124 and 1-system reception section 125 in Fig. 1 of the Saito reference respectively as the first and second receivers of claim 1. The Examiner has specifically relied upon the description in column 4, line 50 through to column 5, line 17 of the Saito reference in support of this rejection.

However, radio control section 129 of the Saito reference is described beginning in column 5, line 10 as including a comparing section 129b that serves as an alarm output means for comparing an output from the reflected power detection section 128 with a reference value, **to output an alarm signal.** In contrast, switching control section 129a of radio control section 129 of the Saito reference is described as controlling the antenna switch section 123 on the basis of outputs from the first and second reception sections 124 and 125. Accordingly, control of antenna switch section 123 in Fig. 1 of the Saito reference is dependent on outputs from first and second reception sections 124 and 125. Control of antenna switch section 123 of the Saito

reference is not based on a first measured operation parameter **indicative of quality of transmission** of radio frequency waves by an antenna structure, and a second measured operation parameter **indicative of quality of reception** of radio frequency waves by an antenna structure, as would be necessary to meet the features of claim 1. Accordingly, Applicants respectfully submit that the antenna device of claim 1 distinguishes over the Saito reference as relied upon by the Examiner, and that this rejection of claims 1, 3, 4, 10-13, 15, 16, 18-22, 24, 26 and 38 is improper for at least these reasons.

The antenna device of claim 15 as dependent upon claim 1, features that "the plurality of antenna configuration states comprise different numbers of connected antenna elements". However, antenna source section 123 in Fig. 1 of the Saito reference is described in column 5, lines 35-39 as being controlled to alternately switch between the first antenna 121 side and the second antenna 122 side in a predetermined cycle. The Saito reference does not appear to disclose antenna configuration states that comprise different numbers of **connected** antenna elements, as would be necessary to meet the features of claim 15. That is, since antennas 121 and 122 of the Saito reference are alternately switched, there appears to be no configuration state in the Saito reference having numbers of connected antenna elements. Applicants therefore respectfully submit that the antenna device of claim 15 distinguishes over the Saito reference, and that this rejection of claim 15 is improper for at least these additional reasons.

The method for transmitting or receiving radio frequency waves of claim 27 includes in combination "receiving a first measured operation parameter indicative of quality of transmission of radio frequency waves by said antenna structure"; "receiving a second measured operation parameter indicative of quality of reception of radio frequency waves by said antenna structure"; and "controlling said selectively switching of the antenna structure between said plurality of antenna configuration states, in accordance with said received first and second measured operation parameters, so as to improve quality of at least one of said transmission and reception".

As noted above, the Saito reference as specifically relied upon by the Examiner does not disclose controlling selective switching of an antenna structure in accordance with a first measured operation parameter **indicative of quality of transmission** of radio frequency waves by an antenna structure, and a second measured operation parameter **indicative of quality of reception** of radio frequency waves by an antenna structure, as would be necessary to meet the features of claim 27. Applicants therefore respectfully submit that the method for transmitting or receiving radio frequency waves of claim 27 distinguishes over the Saito reference as relied upon by the Examiner, and that this rejection of claims 27, 29, 30, 33-36 and 39 is improper for at least these reasons.

Claims 1 and 27 have been rejected under 35 U.S.C. 102(b) as being anticipated by the Rozanski reference (U.S. Patent No. 5,530,926). This rejection is respectfully traversed for the following reasons.

As emphasized previously, the antenna device for transmitting and receiving radio frequency waves of claim 1 includes in combination a control device which controls the switching device in accordance with a first measured operation parameter indicative of quality of transmission of radio frequency waves by the antenna structure, and a second measured operation parameter indicative of quality of reception of radio frequency waves by the antenna structure.

In contrast, the Rozanski reference as relied upon is merely directed to a method of operating a switched diversity RF receiver. One of two antennas 11 and 12 as illustrated in Fig. 1 is selected by selector 13, by comparing the quality of a first signal preceding a desired signal as received through a first antenna, to the quality of a second signal preceding the desired signal as received through a second antenna. Quality measure circuit element 15 and accuracy measure circuit element 16 in Fig. 1 of the Rozanski reference thus function responsive to measured operation parameters indicative of the quality of reception of radio frequency waves by the antenna structure. That is, neither of quality measure circuit element 15 or accuracy measure circuit element 16 receive a first measured operation parameter **indicative of quality of transmission** of radio frequency waves by the antenna structure, as would be necessary to meet the features of claim 1. This should be clear because the structure in Fig. 1 of the Rozanski reference is an RF receiver, not also an RF transmitter.

Accordingly, Applicants respectfully submit that the antenna device for transmitting and receiving radio frequency waves of claim 1 distinguishes over the

Rozanski reference as relied upon by the Examiner for at least the above reasons. Applicants also respectfully submit that the method for transmitting or receiving radio frequency waves of claim 27 distinguishes over the Rozanski reference for at least somewhat similar reasons.

Claims 40-43

Applicants respectfully submit that claims 40-43 distinguish over and would not have been obvious in view of the prior art as relied upon by the Examiner at least by virtue of dependency upon claim 1 for the above noted reasons, and by further reason of the features therein.

Conclusion

Since the claims distinguish over the prior art for the above noted references, it should be clear that the claims have been amended merely to improve form, rather than to further distinguish over the relied upon prior art. The above noted claim amendments thus should not be considered as narrowing scope within the meaning of *Festo*.

The Examiner is respectfully requested to reconsider and withdraw the corresponding rejections, and to pass the claims of the present application to issue, for at least the above reasons.

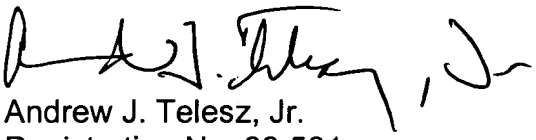
In the event that there are any outstanding matters remaining in the present

application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

VOLENTINE FRANCOS, P.L.L.C.



Andrew J. Telesz, Jr.
Registration No. 33,581

12200 Sunrise Valley Drive, Suite 150
Reston, Virginia 20191
Telephone No.: (703) 715-0870
Facsimile No.: (703) 715-0877

Enclosures: Six (6) Drawing Replacement Sheets